



ANSA AAD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Edgard Rafael ARCE Arvizu

Defendant.

Magistrate Case No.:

'08 MJ 8811

COMPLAINT FOR VIOLATION OF
21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about September 3, 2008, within the Southern District of California, defendant Edgard Rafael ARCE Arvizu did knowingly and intentionally import approximately 133.82 kilograms (294.40 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Hugo A. Leon

Special Agent
United States Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 4th
DAY OF SEPTEMBER 2008.

[Signature]

Peter C. Lewis
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Edgard Rafael ARCE Arvizu

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents, and notes furnished to United
6 States Immigration and Customs Enforcement Special Agent Hugo A. Leon.

7 On September 3, 2008, at approximately 1841 hours, Edgard Rafael ARCE Arvizu
8 entered the United States from Mexicali, Mexico at the Calexico East Cargo Port of Entry.
9 ARCE Arvizu was the driver and sole occupant of a 1997 Freightliner Commercial Tractor.

10 Customs and Border Protection Officer (CBPO) D. Donaldson was assigned to primary
11 inspections when ARCE Arvizu applied for entry. CBPO Donaldson received a negative oral
12 Customs declaration from ARCE Arvizu. ARCE Arvizu stated that he was headed to Calexico,
13 California to drop off the empty trailer he was pulling. ARCE Arvizu was referred to secondary
14 for a more thorough examination. In secondary, CBPO D. Montero took over the inspection of
15 ARCE Arvizu and the tractor-trailer. CBPO Montero conducted a search of the empty trailer and
16 discovered a false wall within the trailer. CBPO Montero requested Canine Enforcement Officer
17 (CEO) E. Barroso to screen the trailer with his Narcotic-Human Detector Dog (NHDD). CEO
18 Barroso informed CBPO Montero that his NHDD had alerted to the front wall of the trailer.

19 CBPO Montero discovered forty-seven (47) packages concealed within the false wall.
20 CBPO Montero probed one of the packages, producing a green, leafy, organic substance that
21 tested positive for marijuana. The total weight was 133.82 kilograms (294.40 pounds) of
22 marijuana.

23 ARCE Arvizu was arrested for violation of Title 21 United States Code 952 and 960,
24 Importation of Controlled Substances. ARCE Arvizu, who was advised of his Miranda rights,
25 acknowledged and waived his rights, agreeing to answer questions without an attorney.

26 ARCE Arvizu denied any knowledge of the marijuana concealed within the trailer. ARCE
27 Arvizu stated that his employer, Hector Sepulveda Elias, called him at approximately 1700 hours
28 and requested that he drive to Liberty Carton in Mexicali, Mexico and pick up an empty trailer.
29 ARCE Arvizu was then to enter the United States with it and leave it parked at USA Gasoline by
the Calexico East Port of Entry. Sepulveda Elias stated that he was to pick it up in the morning.